IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

**WRIT PETITION NO. 1020 OF 2003**

Suresh Pandurang Pawar & Ors. .. Petitioners.

Versus

Smt.Chandrakala Madan Pawar & Ors.. Respondents.

Mr. S. M. Railkar for the Petitioners.

Mr. M. V. Sali for Respondents.

**CORAM : S. A. BOBDE, J.**

**DATED : FEBRUARY 18, 2005.**

**P.C.:**

The petitioners are the Defendants in a suit for partition filed by the Respondent Smt. Chandrakala Madan Pawar. She is the wife of the deceased brother of the petitioners.

2. The trial Court granted a decree for partition and also directed the petitioners to pay to the respondents maintenance of Rs.1500/- per month. Pending the suit also the trial Court had granted maintenance of the same amount. The interim order had admittedly not been challenged by the petitioners.

3. Aggrieved by the decree and order of the trial Court, the petitioners preferred an appeal and prayed for stay. The Appellate Court has stayed the decree as regards the partition but has declined to stay that part of the decree which awarded maintenance to the Respondent - Chandrakala.

4. Having heard the learned Counsel, I am of view that in the circumstances narrated above and particularly having regard to the fact that the properties are in possession of the petitioners, the order directing maintenance to be paid to the Respondents, who is admittedly a widow and has two children, is not liable to be interfered with. There is no error of law apparent on the face of the record. Writ petition is, therefore, dismissed.

Sd/-

**S. A. BOBDE, J.**